

REMARKS

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 2, 5, 16, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lemon (U.S. Pat. 4,674,041). Specifically, the Office Action states that 1) coupon transaction histories relate to electronic user profiles and monitored user preferences as claimed; 2) coupons to be displayed relate to merchant data as claimed; and 3) the display of individual coupons and their presentation based on coupon transaction histories relate to actual display characteristics as well as display model parameters indicating user preferences and content data selected according to user preferences as claimed.

The Examiner states in paragraph 10 that “[t]he instant application contains no such clear definition for the claimed phrase “electronic user profile data comprising on-line behavior data regarding a user’s navigational choices and personal data.” Applicant respectfully submits that each of the terms in the claim element is defined in the specification, and therefore, the application does contain a definition for the claimed phrase. User profile data is defined in paragraphs 28 and 29 as data collected while a user navigates a shopping environment and data provided by the user when joining the service. Data collected while a user navigates a shopping environment includes such data as the store visited, time of visit, length of visit, merchandise viewed by shopper, merchandise purchased by shopper, the frequency of visits, the order in which the store is visited (store visit sequence), and the order in which individual product descriptions are visited. Data provided by the user when joining the service includes such personal

data and details as address, age, sex, and hobbies. Paragraph 14 indicates that “on-line behavior data” also relates to a user’s navigation of a shopping environment.

Paragraph 34 indicates that navigational choices are choices related to the navigation of the shopping environment such as how long a user stayed at a particular site or viewed a product description and what purchases were made. The phrase “profile data comprising on-line behavior data regarding a user’s navigational choices” indicates very clearly that one component of profile data is data related to many choices that a user makes while navigating a shopping site. Furthermore, the instant application indicates very clearly that navigational choices relate to more than product selections. Applicant respectfully submits that the claim element is defined by the specification.

The Examiner further states that “merchant data” is not defined in the specification. Applicant respectfully disagrees. Paragraph 31 explains that “data regarding participating merchants 32 is made available to the process and that it includes general information about the merchants such as a description of their products and services in relation to a limited range of options such as casual clothier, business clothier, sporting products establishment, real estate services, etc. that is useful in determining what topics/categories/areas of interest or opportunities the merchant offers. Paragraph 31 further explains that merchant data includes specific information about each participating merchant (e.g., location, contact information) and the specific products and services offered by the merchants. Finally, paragraph 32 defines merchant data as “the general merchant data and specific product and service merchant data (i.e., merchant data).” Applicant respectfully submits that merchant data is defined by the specification.

Applicant has amended claims 1 and 16 to indicate more clearly that actual display characteristics, which are based on variable display characteristics, are independent of content or merchant data and that displays according to the present invention conform to user preferences. In view of the amended claims, Applicant respectfully submits the Lemon reference does not enable the claimed invention and therefore, cannot support the claim rejections.

Lemon discloses a system and method for dispensing coupons to customers at a retail establishment. A display of coupons is presented to the customer and the customer is permitted to select from the display one or more coupons to be printed. A computer tracks the customer's coupon selections so that when a customer returns within a certain period of time to select additional coupons, the coupons that the customer selected previously are not presented. Lemon states "... microcomputer 22 permits only those coupons still available for selection by that particular customer account number to be displayed. If, for example, the manufacturer has prescribed a one per customer limit for a coupon, and that coupon has been previously issued to the customer under the same credit account number, the coupon will not be displayed." (Col. 5, line 66 to Col. 6, line 11.) Lemon also teaches that "... a previous coupon transaction history ... is utilized at step 116 to mask out previously selected coupons from the display if the limit of coupons per period has already been reached under this customer's account number so that requests for coupons utilizing a single account number are limited to the prescribed number of each coupon." (Col. 10, lines 33-40.)

Lemon explains that, initially, a microcomputer displays a "background of blank coupons." (Col. 22, line 16.) The microcomputer reads the coupon transaction history

for a customer and determines which coupons should be masked from the display because the customer has already selected them. (Col. 21, lines 43-47.). In Col. 22, lines 40-64, Lemon provides a detailed explanation of how screens of coupons are displayed by the microcomputer with unavailable coupons masked, disabled, filtered, etc. In any case, the customer is not permitted to access them.

The Examiner equates a customer's coupon transaction history with an "electronic user profile," "monitored user preferences," and "navigational data" in the present invention. The Examiner further equates the entire set of coupons from which the customer may first select with "merchant data" in the present invention. The Examiner equates selecting coupons according to a customer coupon transaction history with a "predictive model," coupon layouts or designs with "model display parameters," and the subset of coupons selected according to the customer coupon transaction history with "actual display characteristics." Applicant respectfully submits that the Examiner's comparisons between the Lemon reference and the claims of the present invention are flawed and that in view of the lack of teachings related to certain elements of the pending claims, the Lemon reference cannot support the claim rejections.

In paragraphs 36-38 of the present application, Applicant explains that general display characteristics, model parameters, and actual display characteristics are independent of content that may be selected for a user. Claim 1 recites limitations related to the separation of display characteristics from content as it recites "display model parameters indicating monitored user preferences" and a process for selecting "actual display characteristics independently of said content data." Claim 16 recites

similar limitations. Claim 16 has “variable display characteristics for defining the layout of a computer display” and “a predictive model for selecting actual display characteristics according to said variable display characteristics, said actual display characteristics independent of said merchant data.”

The only “display characteristics” in Lemon that are independent of actual coupon data are the blank coupons of Col. 22. However, they cannot be “display model parameters indicating monitored user preferences” or “variable display characteristics for defining the layout of a computer display” to which a predictive model for determining user preferences can be applied. In Lemon, there is no aspect of the computer screen—blank or filled with coupons—that relates to user preferences. There are only spaces for coupons that eventually are filled. The only way in which customer preferences are used in Lemon is to exclude from a customer’s selections those coupons for the customer’s preferred products.

Claims 1 and 16 have additional limitations indicating that user content is selected according to user preferences and that the resulting display conforms to user preferences. Claim 1 includes “a display at a shopper’s computer in communication with said host computer, said display customized to conform to said monitored user preferences.” Claim 16 includes “a computer display comprising said actual display characteristics and said merchant data from said plurality of merchants, said computer display conforming to monitored user preferences.” Applicant respectfully submits that Lemon does not provide any similar teaching. In fact, Lemon considers user preferences for the sole purpose of excluding content from a display. Lemon teaches that a customer who selects a coupon for a product—and therefore, expresses a

preference for the product—is not permitted to receive another coupon for that product within a certain period of time. The display therefore, does not conform in any way to the customer's preferences. Instead, it conforms to his or her dislikes.

If coupons are merchant data as the Examiner asserts they are, Applicant respectfully submits that user preferences in Lemon are used for the sole purpose of excluding merchant data from among a user's options. Once certain coupons are excluded from among the user's options, the resulting display comprises only merchant data for which the user has not expressed any preference. The screen display characteristics and layout independent of content do not change in any way from one screen to the next and therefore, never reflect any user preferences. The only aspect of the screen that ever changes is the content or "merchant data" (i.e., the coupons). In Lemon, eventually the screen comprises only content in which the user has expressed no preference. Applicant respectfully submits that Lemon does not teach a computer display in which display characteristics independent of content and content are customized or conformed to a user's preferences.

Conclusion

Applicant respectfully submits that the Lemon reference does not teach aspects of the present invention related to display elements that are independent of content and that conform to user preferences, content that conforms to user preferences, and finally, computer displays with display elements and content that conform to user preferences. Therefore, Lemon cannot support the present rejections. Applicant respectfully submits

that the present application is properly in condition for allowance and respectfully requests such action.

Respectfully submitted,

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